

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

JUNE 16, 2008

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present

Chairman Harold Sanger
Steve Lichtenfeld, Aldermanic Representative
Lenore Toser-Aldaz, Acting City Manager
Jim Liberman
Debbie Igielnik
Marc Lopata
Scott Wilson

Absent:

None

Also Present:

Catherine Powers, Director of Planning & Development Services
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off. He announced that review of the proposed new Article 11 of the Zoning Ordinance will take place after the other projects have been reviewed.

MINUTES

The minutes of the regular meeting of June 2nd, 2008 were presented for approval. Steve Lichtenfeld asked that the language on Page 20, 7th Paragraph, 2nd sentence be revised to read: "He stated he agrees that traffic may be a problem and suggested a right turn prohibition entering from southbound Central Avenue as well as no left out of the garage onto northbound Central Avenue." Marc Lopata asked that the language on Page 6, 4th Paragraph from the bottom be revised to read: "Marc Lopata asked how the developer can state that there will be no run-off onto neighboring property if it is not known what rainfall event this system will handle." The minutes were then approved, as amended, after having been previously distributed to each member.

ARCHITECTURAL REVIEW – ADDITION TO SINGLE FAMILY RESIDENCE – 25
ARUNDEL PLACE

Mr. Kevin Chapman, project architect, was in attendance at the meeting.

Catherine Powers explained that this is a request for a 945 square foot brick addition to the rear of the existing 2-story, 2,375 square foot brick structure. Site plan review is not required because the addition is less than 50% of the total square footage of the existing residence. Catherine indicated that the plans show the height of the addition at 33.5 feet to the peak of the roof on the rear elevation; however, staff estimates that the height at 30-feet from grade to mid-point of the roof peak as calculated by the Zoning Ordinance and will not exceed the existing height of the structure. The roof style will be gable on the rear elevation to match the existing with light gray asphalt shingles. The windows will be a mix of double hung and casements, white in color. Trash storage is shown off the alley within a wood fenced enclosure. The HVAC units are shown in the side yard, approximately 5-feet from the property line and screened with a 4-foot tall wood cedar fence. The plans indicate that the detached garage will be renovated with new paint, gutters and downspouts, and a man door. Impervious coverage is calculated at 38.5% (see attached revised calculation sheet), which is well below the 55% maximum allowed. As shown, the plans comply with the rear and side yard setback provisions of the Zoning Ordinance. Catherine noted that two trees are proposed to be removed to accommodate the addition. Hillcrest Subdivision Trustee approval has been submitted. Catherine indicated that the addition matches the material and style of the existing residence. Staff has concerns with the proposed location of the HVAC units in the side yard. The HVAC units are shown at least 5-feet from side yard setback; however, there is limited space in this area for any adjustments. Staff believes that a better location for the units is behind the house, adjacent to the deck. This location will provide appropriate clearance and screening of the units. As indicated on the plans, the trees will need to be protected during construction. The two trees located on the east side of the property appear to be most vulnerable to damage by the construction activity. Catherine indicated that staff's recommendation is to approve with the conditions that the contractor follow the City's tree protection standards at all times during construction, and that the HVAC units be relocated to the rear yard and screened with a wood fence for staff review and approval.

Mr. Chapman presented floor plans and elevation drawings to the members. He explained that the brick addition is 20' deep by 32' wide and will replace the existing one story addition at the rear of the house. He stated that the addition will be atop a full walk-out basement. He indicated that the first floor will contain a family room and laundry room and the second floor will contain the master suite. He explained that the existing second floor sunroom will become the new master bathroom.

A color rendering of the rear elevation was presented. He stated that the elevated cedar deck will have wrought iron railing. A sample of the Belden brick was presented. Mr. Chapman indicated that this brick will be very close to the existing brick. He advised the members that they will continue the removal of the whitewash. He stated the new roof will blend with the existing roof. He stated there is no plan to relocate the HVAC units.

Jason Jaggi indicated that staff is asking that the HVAC units be relocated to the rear, at least 5 feet away from the property lines, and screened.

Steve Lichtenfeld commented that it is a good looking addition. He asked if there are other additions in the area that go this far back on the lot.

Jason Jaggi indicated that he did not have that information. He added that it does, however, meet the setback requirements and that the Trustees of Hillcrest have signed-off on the plans.

Steve Lichtenfeld asked if the adjacent owners have reviewed the plans.

Catherine Powers indicated that staff does not know if the neighbors approve the plans or not, but that notice of this meeting was sent to owners within 200 feet of the subject property.

A brief discussion regarding the vines on the 4 X 4 galvanized mesh below the deck took place.

Scott Wilson asked if the applicant if they are keeping the driveway.

Mr. Chapman replied “yes”.

Scott Wilson commented that there is a tree in front of the property that is leaning.

Catherine Powers stated that staff is aware of the issue with the City tree.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve with the conditions that the City’s tree protection standards be following throughout construction and that the HVAC units be screened (not relocated). The motion was seconded by Marc Lopata and unanimously approved by the members.

REVISION TO PREVIOUSLY APPROVED PLANS – NEW SINGLE FAMILY RESIDENCE – 66 ABERDEEN

Al Levine, project architect, was in attendance at the meeting. Also in attendance was Jeff Kanefield, owner/developer.

Catherine Powers explained that the applicant is requesting changes to the previously approved plans to incorporate a finished third floor under sloping roof with dormers on the front and rear elevations. To provide living space on the third level, the roof pitch will be raised to 8.5/12 versus the previous slope of 5/12. The plans also show the gutter line has been lowered about 12-inches. The height is shown at 30-feet from average grade to the mid-point of the roof. No changes to site are proposed, including the foot print of the primary structure and the detached garage. Additionally, a second floor sunroom is proposed over the one-story portion of the building to the rear. The second floor sunroom will contain brick on the exterior. Lastly, the windows will be a divided light style and the front entry porch has been modified to include a sloped copper roof. The Hillcrest Trustees have approved the revised plans; however, they have concerns with the proposed roof line. Catherine indicated that staff recommends approval as submitted.

Mr. Levine indicated that the changes include double hung windows in lieu of casement, increasing the roof slope to 8.5 and 12, the addition of a copper roof over the front porch and the addition of a 2nd story above what was a one story “wing” to the rear of the structure, which will be constructed of brick. Mr. Levine indicated that there have been two potential purchasers, both of whom wanted 3rd floor living space.

Steve Lichtenfeld asked the dimension of the projection to the south.

Mr. Levin indicated that he believes it to be 11 X 15.

Steve Lichtenfeld asked about the concerns of the Trustees.

Catherine Powers indicated that their concerns revolve around the 3 car garage which was approved during this project's initial consideration and not part of this application.

Marc Lopata commented that the neighbor to the east is displeased with the increase in massing of this structure and is therefore, in opposition. He proposed that this project go through the site plan review process once again and by not doing so, the City is not following Article 10, Section 10.2 of the Zoning Ordinance.

Catherine Powers advised Marc site plan review was conducted when the application for the new structure originally was submitted last year. She stated the changes proposed this evening do not change the footprint of the structure.

Marc Lopata stated that he does not believe the house is compatible with area residences.

Catherine Powers advised Marc that the issues before the Board this evening are architectural issues; not site plan issues.

Marc Lopata indicated that massing is part of site plan review and that this is a lot different than what was originally approved.

Jim Liberman commented that the site plan is not affected by these changes.

Marc Lopata disagreed. He stated that the massing of the house is being changed.

Catherine Powers stated that massing is typically part of architectural review.

Scott Wilson commented that it did not impress him that this is so much larger than existing residences.

Steve Lichtenfeld stated that the addition of the second floor sunroom has made the mass of the east side greater and deeper. He stated that he has a concern with the addition of a second floor onto the wing.

Chairman Sanger agreed that adding a second story makes a difference.

Marc Lopata stated that calling this a sunroom is erroneous; it is a second floor addition.

Debbie Igielnik asked if the neighbor has notified the City of their opposition.

Catherine Powers replied "no"; she reminded the members that meeting notification is sent out to owners within 200 feet of the subject property.

Mr. Kanefield advised the members that he wants the second floor sunroom.

Mr. Warren Hauff, 64 Aberdeen, stated that his concern is with the proposed second level sunroom addition. He presented a drawing showing the proposed residence with his home superimposed over it. He indicated that the east façade is only 5 feet from the fence. He asked that the Board not approve the 2nd floor sunroom addition.

Being no further questions or comments, Jim Liberman made a motion to approve the proposal with the exception of the second floor sunroom. The motion was seconded by Steve Lichtenfeld and received the following roll call vote: Ayes: Chairman Sanger, Steve Lichtenfeld, Lenore Toser-Aldaz, Jim Liberman, Debbie Igielnik & Scott Wilson. Nays: Marc Lopata.

REVISION TO PREVIOUSLY APPROVED PLANS – ADDITION TO SINGLE FAMILY RESIDENCE – 134 LINDEN

Mr. Bob Winters, project architect, was in attendance at the meeting.

Catherine Powers explained that the applicant is requesting changes to the previously approved 2 ½ story addition to incorporate screened-in porches on the 1st and 2nd floors, the removal of the third floor dormer, the addition of brick on the east elevation, and a change in the roof design. The ARB previously approved the addition on April 7, 2008. Catherine stated that the revised plans show the height of the addition will match the existing home at approximately 28-feet from grade to mid-point of roof and will tie-in to the existing roof structure. The roof of the covered porch will not be extended to the addition as previously designed. The matching dormer has also been removed from the plans. The north elevation features a partial exterior brick wall which is proposed in association with a fireplace. The screened in porches contain painted wood posts with wood railings. The entire roof is proposed to be standing metal seam, which also was previously approved by the ARB. Impervious coverage is shown at 48 percent, which does not represent a significant change due to the new addition being placed in the general location as the existing one-story addition. As shown, the plans comply with the rear and side yard setback provisions of the Zoning Ordinance. Catherine indicated that staff is of the opinion that the revised plans do not match the existing house as well as the previous proposal and that staff would prefer that the architect incorporate details of the previous proposal to this amendment, specifically, a dormer on the south elevation and the decorative porch columns should be added to the plans. Further, staff believes the rear elevation brick wall should be painted white to match the siding and therefore, recommends approval with the conditions that a dormer and decorative columns be added to the south elevation and that the brick wall on the rear elevation be painted white to match the house.

Mr. Winters presented elevation drawings.

Jim Liberman asked if a sample of the brick was available.

Mr. Winters replied “no”; he stated the brick will be painted white.

Jim Liberman asked about the existing roof.

Mr. Winters indicated that it is green asphalt.

Scott Wilson asked staff to explain staff's recommendations.

Catherine Powers explained that staff liked the decorative columns and wants the rear elevation painted white to match the existing house color.

Steve Lichtenfeld commented that these changes are very different than the original proposal, but he likes this new proposal. He stated that he, too, believes the rear elevation should be painted white.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve with staff's recommendation No. 2 (painting the rear elevation white). The motion was seconded by Scott Wilson and unanimously approved by the Board.

REVISION TO ADMINISTRATIVELY APPROVED PLANS – SINGLE FAMILY RESIDENCE
– 7727 DAVIS

Mr. Bryan Wheelock, homeowner, was in attendance at the meeting.

Catherine Powers explained that this is consideration of a request by Mr. & Ms. Wheelock, owners, for review of the design and materials associated with the construction of a Hardie Board chimney and stone outdoor fireplace on an administratively approved addition. On October 24, 2007, the City Manager administratively approved plans to re-build a deteriorated brick garage and add a second story addition above to be constructed of Hardie Board material. The addition and small shed roof structure measures 716.37 square feet, under the 750 square feet maximum allowed for administrative architectural approval. The Davis Place Trustees also approved the plans. The addition is on the same footprint as the existing structure and the rear yard was covered in impervious material, so the new work would not increase the amount of impervious coverage. On April 1, 2008, construction was stopped by the Building Department because a chimney had been constructed that was not part of the approved plans. The chimney had already been framed and partially sided. Ms. Wheelock was informed that the siding on the chimney would probably not be approved. Ms. Wheelock then indicated that the chimney would be constructed in brick, which was then approved. Later, Mr. Wheelock again requested permission for the chimney to be constructed in siding. He was advised that a sided chimney would not be approved administratively and that he had the following options:

- 1) He could remove the fireplace and complete the project as originally approved; or
- 2) He could construct the fireplace and enclose the chimney in brick; or
- 3) He could seek approval for the Hardie Board chimney through the Architectural Review Board process.

Catherine indicated that on June 4, 2008, the Building Department observed that the chimney had been constructed in Hardie Board siding. Mr. Wheelock indicates that there are many additions in Davis Place with siding, which is true; however, it appears those additions may have been constructed prior to 1995. Catherine indicated that staff does not have an issue with the stone fireplace, since it is within the screened porch area and not visible; however, the chimney, as currently constructed, is very visible to the neighboring properties. The applicant has indicated that the addition and chimney will be painted a dark brown which, in staff's opinion, is more

aesthetically pleasing than white Hardie Board; however, the brick along with the dark brown siding would still blend with the house and base of the project. Mr. Wheelock has indicated that it would be difficult to match the brick. However, since the base wall is new brick, this could also be used on the chimney. Catherine indicated that staff's recommendation is to require the owner to either brick the chimney or remove it.

Mr. Wheelock indicated his desire to have an outdoor fireplace. He stated the chimney is embedded in the wall of siding and that it is not possible to match the brick. He indicated that his neighbor to the east prefers the chimney be sided.

Chairman Sanger commented that the neighbor to the east is the former City Manager, who administratively approved the addition, which, per the City's Zoning Ordinance, is allowed since the addition is under 750 square feet; however, there was no chimney on the plan for the addition; the owners were asked to stop construction. He stated Ms. Wheelock indicted that it (the chimney) would be done in brick, but that it was ultimately constructed in Hardie Board. He asked if these statements are correct.

Mr. Wheelock stated that it was initially believed that the 25% maximum amount of siding was exceeded, but that it is within the allowable 25%.

Chairman Sanger stated that it was elected not to come in for approval of the chimney.

Mr. Wheelock disagreed. He stated that the workers voluntarily did the chimney in Hardie Board in order to finish up the job.

Steve Lichtenfeld questioned whether or not the plans would have been approved by this Board if they included the fireplace and Hardie Board chimney.

Catherine Powers stated that the issue is that this needed Architectural Review Board approval and to determine if the amount of siding is acceptable. She stated that staff recommends the chimney be brick.

Steve Lichtenfeld asked if this is a process problem.

Catherine Powers replied "yes". She added that there was a stop work order on the job before the siding was completed.

Marc Lopata asked what the outcome would have been had this come to this Board before it was constructed.

Jim Liberman indicated that he has a problem with the addition being administratively approved in the first place.

Chairman Sanger stated that the Board cannot go backwards.

Steve Lichtenfeld asked if the owner plans to paint the addition and chimney dark brown.

Mr. Wheelock indicated that it is not possible to match the color or size of the brick and that he does not want to introduce a third material onto his home. He stated a dark color would blend better with the brick.

Marc Lopata commented that this Board had refused Hardie Board siding for chimneys on new construction in the past.

Steve Lichtenfeld commented that since the Board cannot re-visit something that has already been approved, he has no issue with the siding as long as it is all painted a dark color.

Mr. Piece Powers, 665 Polo, addressed the Board by stating that this is a 1,300 square foot addition. He stated there is no greenspace at all in the back yard, as it is covered with concrete and a pool. He stated he never received notification of this addition and that previously the site contained a one story, 400 square foot detached garage and now there is a two story with attic addition, which, in all, totals about 1,300 square feet. He stated that this is very unfortunate and asked that this type of thing never be allowed to happen again. He indicated that there seems to be some impropriety here. He questions what could have been the result had this gone before the Architectural Review Board to begin with. He reiterated that there is no landscaping, no trees and that this addition is not compatible with the existing residence or neighborhood. He stated that he has endured 15" of water for the fourth time since 2002. He stated also that there are a flood of lights down the outside of this residence.

Catherine Powers stated that the ARB Guidelines provide for 75 watts for exterior lighting and that anything beyond that, the lighting would need shielding.

Chairman Sanger asked about the size of the addition.

Catherine Powers indicated that staff calculated the addition at 716 square feet, which was signed off administratively back in October, 2007.

Marc Lopata asked about the impervious area.

Catherine Powers indicated that the concrete area was previously brick, so the coverage has not changed or increased.

Mr. Wheelock informed the members that there is no attic space within the addition.

Chairman Sanger reminded everyone that the issue before this Board is the chimney.

Ms. Christina Walden, 7763 Davis, stated that the home has improved from its previous condition, but she believes painting the siding brown would blend in better.

Ms. Allison Schoedel, 7721 Davis, indicated that she sees the addition very well from her home and that she prefers that the siding be painted brown versus bricking on the chimney.

Scott Wilson stated that painting the addition brown would be better, but that is not what was originally intended.

Debbie Igielnik stated that she would like to vote, but she has to leave.

Chairman Sanger stated that jobs being done without going through the proper procedures is the wrong thing to do. He added that the owner was clearly asked to stop the job before it was finished and that he is not inclined to vote in favor of the application.

Mr. Wheelock indicated that he mentioned to the contractor that they would like to have the chimney and that the contractor framed it, which remained that way for 6 weeks. He stated that he missed the previous ARB meeting; that he tried to comply and that he regrets the contractor finishing it up in siding.

Being no further questions or comments, Marc Lopata made a motion to approve per staff recommendations. The motion was seconded by Debbie Igielnik and received the following vote: Ayes: Chairman Sanger, Lenore Toser-Aldaz, Debbie Igielnik, Marc Lopata and Scott Wilson. Nays: Steve Lichtenfeld and Jim Liberman. Motion carried.

NOTE: Debbie Igielnik left the meeting at 6:50 p.m.

MONUMENT SIGN – COMMERCIAL – 10 S. HANLEY ROAD

Michael Byrd, architect/tenant, was in attendance at the meeting.

Catherine Powers explained that this is a request for the installation of a ground (monument) sign at 10 South Hanley Road. Catherine noted that signage at this location was previously approved by the Architectural Review Board in 2005 for Schwetye Architects, but was never constructed. The proposed ground sign will be located in a small planter area on the side of the building fronting Hanley Road. The 6 square foot non-illuminated ground sign represents a curvilinear shape made of stainless steel with cut out red letters. The Core 10 Architecture graphic will be painted red on the sign face. Landscaping within the planter area is not proposed. Catherine indicated that staff believes the curvilinear design of the monument sign is of high quality. The size is relatively small due to the limitations of the planter box. The rendering shows plant material around the sign; however, the landscaping is not specified. Staff would prefer that the planter box contain appropriate landscaping to compliment the sign and recommends approval with the following conditions:

1. That landscaping be provided and maintained within the planter box adjacent to the sign; and,
2. That the applicant receive a sign permit prior to installation.

Mr. Byrd indicated that they are the second floor tenant and their lease allows a sign and that the proposed sign has been approved by the owner. He stated that they intend to remove the ivy and replace with something that is approved by staff.

Jim Liberman asked if the sign is illuminated.

Catherine Powers replied “no”.

Jim Liberman stated the sign looks nice.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendations. The motion was seconded by Scott Wilson and unanimously approved by the Board.

MONUMENT SIGN – COMMERCIAL – 7700 BONHOMME

Joe Natale, sign contractor, was in attendance at the meeting.

Catherine Powers explained that the proposed ground sign will be located within the front lawn area of the office building fronting Hanley Road. The sign measures 24 square feet and will be constructed aluminum containing five 1/4-inch tenant panels letters. The name of the building, Bonhomme Place, and the address is featured on the top of the sign. These letters will also be constructed of individual 1/4-inch aluminum material. The plans indicate that the sign will not be illuminated and landscaping around the sign is not proposed. Catherine stated that the size of the sign and the number of tenant panels are in conformance with the Sign Ordinance and that staff believes the design of the monument sign relates well to the modern style of the office building. Staff believes, however, that the base of the sign should contain the reddish granite material found on the building instead of the proposed concrete and that the sign should be placed within a landscaped area which will add visual interest to the corner of Hanley and Bonhomme. Catherine stated that staff recommends approval with the following conditions:

1. That the base of the sign contain reddish granite material to match the office building,
2. That landscaping be provided and maintained around the base of the sign per staff approval,
3. That the applicant receive a sign permit prior to installation.

Chairman Sanger asked Mr. Natale if he was willing to comply with staff's recommendations.

Mr. Natale replied "yes".

Being no further questions or comments, Jim Liberman made a motion to approve per staff recommendations. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

FRONT YARD FENCE – 7300 WYDOWN

Mr. Jeff Gershman, attorney for the owner, was in attendance at the meeting. Also in attendance were Andy and Mary Blatt, owners.

Catherine Powers explained that the subject property is located on a corner lot facing Wydown Blvd. and Crestwood Drive. The applicant is proposing to install a 5-foot tall black aluminum fence along the front (facing Wydown) and side (facing Crestwood) of the property. The fence will be 6-feet tall in the rear of the property adjacent to residence at 3 Crestwood Drive. The

fence will extend beyond the building line facing Crestwood Drive. This area functions as part of the rear yard due to the large rear circular turnaround which occupies the southwest corner of the property and is currently defined with a tall hedge row. The fence will be located behind this existing hedge row which faces Wydown and Crestwood. The applicant is proposing to place the fence 8-inches from the rear property line adjacent to the neighboring house at 3 Crestwood. No trees are proposed to be removed as part of the fence installation. Catherine stated that staff believes the style of the proposed fence is compatible with the neighborhood and is appropriate for a street-facing fence. A similarly configured fence is located at 7416 Wydown Boulevard. In addition, the fence will be located behind an existing hedge row and will not be very visible from the street. Catherine indicated that the applicant has submitted correspondence from the Claverach Park Trustees which states that fences are not subject to their indentures and that staff recommends approval with the condition that the applicant receive a fence permit prior to installation.

Mr. Blatt stated that the primary reason for this fence is for the security and safety of their two small children. He stated that his children running out onto the driveway is a concern since it abuts his property. A sample of the proposed fence material was presented. He stated that most of his neighbors approve of the fence and that it will be put behind hedges and they are willing to make the entire fence 5 feet tall.

Chairman Sanger indicated that he thought the fence was on the north side of the landscaping.

Mr. Gershman stated that the fence is interior to the landscaping and that a grove of trees cover the western half of the property, of which the fence is partially inside and partially outside this grove.

Chairman Sanger asked if the fence could be installed so the neighbors see landscaping versus the fence.

Mr. Gershman indicated that obscuring part of the fence is possible, but they cannot obscure the entire fence.

Steve Lichtenfeld commented that the proposed fence is nicer than the existing fence.

Marc Lopata stated that he understands the need for security, but would be concerned that one could lurk within the hedges. He asked if there are other front yard fences along Wydown.

Ms. Blatt replied "yes". She stated that there is a front yard fence at Wydown and Hillvale.

Scott Wilson commented that he cannot find a reason to deny the request.

Mr. Brian Behrens, attorney representing Jackie Fett, (neighbor to the south-3 Crestwood) distributed a packet of information to the members outlining Crestwood front yard setback information, aerial photos of the area, a view of Crestwood front yards looking north, purpose of front yard setback rules, Section 15.8.1 of the City's Zoning Ordinance, when front yard fences are permissible and his client's concerns about the proposed fence. He stated that the proposed fence is clearly decorative, but it is felt that a 4 foot high fence would be high enough to keep the children safe. He stated that the sight line would be affected by a fence over 4 foot tall. He stated that his

client wants to look at shrubbery, not a fence and that his client wants the fence at least 6 feet from the property line.

Jason Jaggi read a portion of the R-2 front yard setback information from the Zoning Ordinance, indicating that it speaks to decorative features that tie into the structure and that staff does not feel that a general fence, as in this case, is limited to 4 feet in height. He stated that he has discussed this application with all the attorneys involved.

Chairman Sanger stated that he does not have a problem with the proposed fence, but that he would like the fence to be satisfactory to both parties.

Mr. Gershman advised the members that they attempted to accommodate the Fetts and that the fence could be put all the way to the rear property line without approval from this Board. He stated he believes it to be an attractive fence and a lot nicer than the existing wood fence.

Catherine Powers indicated that generally, this Board only considers front yard fences, but that this request includes the entire fence proposal. She stated that if this were an interior lot and the fence were to be placed along the sides and rear of the property, approval by this Board would not be required.

Chairman Sanger stated that he would like to see an agreement here and that there must be something that can be planted to satisfy the neighbor.

Mr. Blatt advised the members that they are open to landscaping.

Mr. Gershman stated that there have been many discussions with Kevin Williams (other attorney representing the Fetts) and they cannot come to an agreement.

Mr. Behrens indicated that it makes no sense not to cover the fence.

Mr. Gershman stated that a 4 foot fence would be a problem.

Ms. Blatt advised the members that the fence would not be on their driveway. She presented a site plan showing the proposed location of the fence.

Chairman Sanger suggested that staff approve some type of landscaping before the fence permit is issued.

Being no further questions or comments, Scott Wilson made a motion to approve with the conditions that staff approve landscaping, that the fence be 18" from the south (rear) property line, that the fence be 5' tall along the south (rear) property line and that a fence permit be obtained prior to installation. The motion was seconded by Jim Liberman and unanimously approved by the Board.

FRONT YARD FENCE – 2 SOUTHMOOR

Mr. Darren Sidwell, contractor, was in attendance at the meeting.

Note: Marc Lopata excused himself from the meeting and indicated that he will soon return (7:30 p.m.).

Catherine Powers explained that the subject property is located on a corner lot facing Southmoor and Big Bend Boulevard. The applicant is proposing to install a replacement 6-foot tall tongue and groove solid wood fence with regularly spaced 6-foot stone columns along the sides and rear of the property. Where the fence meets the front of the house, the applicant is proposing to install a decorate gate with stone columns. The fence will extend beyond the building line facing Big Bend Boulevard. The fence is shown to be placed a minimum of 1-foot off the rear and side property lines. A total of five trees will be removed in association with the construction of the fence. The applicant has submitted an arborist's report providing justification for the removal of a 10-inch and 12-inch Mulberry tree and a 36-inch Maple tree. The arborist indicates the Maple tree is in poor condition due to infestation and the two Mulberry trees are suffering from damage and are leaning. The two other trees are small 3-inch Elms which are in good condition. The applicant is proposing to replace the removed trees in good condition by installing 16-caliper inches of new trees along Big Bend. Catherine indicated that staff believes the style of the proposed fence is appropriate for the property facing Big Bend Blvd. The proposed fence represents a tasteful design with stone columns and is an improvement to the existing wood fence. In addition, the fence will be located behind extensive vegetation and will be minimally visible from the street. The applicant has submitted approval from the Southmoor Trustees and staff recommends approval with the condition that the applicant secure a fence permit prior to installation.

Mr. Sidwell indicated that the 6' tall cedar tongue and groove fence will contain limestone posts.

Being no questions or comments, Jim Liberman made a motion to approve per staff recommendation. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

Note: Marc Lopata returned to the meeting (7:34 p.m.).

OUTDOOR SEATING – MAZARA – 7923 FORSYTH

Ms. Mindy Sciales, restaurant owner, was in attendance at the meeting. She stated that the restaurant will feature Mediterranean style cuisine with an emphasis on Southern Italian.

Catherine Powers explained that the applicant is proposing to operate outdoor dining on the sidewalk in front of the restaurant to include 4 tables which will seat 16 patrons within an enclosed area extending 10.5 feet from the recessed face of the building. The 28 inch square tables to seat 4 patrons each are black wrought iron. The proposed two-section pedestrian barrier would be aluminum, painted black. No umbrellas are proposed. Catherine stated that staff is of the opinion that the proposed outdoor dining area should be reduced. The site plan does not indicate the sloped portion of the pavement at the restaurant entry door. This sloped area runs parallel to the storefront and will not be able to safely accommodate patrons. The outdoor dining area should be reduced accordingly to extend a maximum of 5.5 feet from the "flat" portion of the sidewalk out toward the curb. This arrangement would be consistent with the placement of furniture at Bistro Alexander further west of the subject restaurant. With this reduction, staff believes the outdoor dining area can

reasonably accommodate 3 tables and 12 chairs and therefore, staff recommends approval with the following conditions:

1. That a revised site plan be submitted to staff which shows the outdoor dining area extending a maximum of 5.5 feet out from the building (excluding the sloped walk),
2. That the outdoor dining capacity be limited to 1 table with 4 chairs on the west side of the entry door and 2 tables with 8 chairs on the east side of the entry door for a maximum outdoor dining area of 3 tables and 12 chairs,
3. That a 4-foot minimum pedestrian clearance be provided at all times,
4. That the applicant applies for the annual Outdoor Dining Permit per the above conditions prior to operating the outdoor dining.

Chairman Sanger asked Ms. Sciales if she would comply with staff's recommendations.

Ms. Sciales replied "yes".

Jason Jaggi reiterated that the slope prevents safely placing a table near the entry door and therefore, staff recommends removing the one table on the west side and re-arranging the other two.

Steve Lichtenfeld asked if the fence will stay as shown on the plans.

Jason Jaggi indicated that it will have to be slightly modified.

A sample of the chair was presented.

Being no further questions or comments, Jim Liberman made a motion to approve per staff recommendations. The motion was seconded by Steve Lichtenfeld and unanimously approved by the Board.

Chairman Sanger asked Ms. Sciales when she plans to open the restaurant.

Ms. Sciales indicated that she hopes to open July 1st.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT – NEW ARTICLE 11 “SPECIAL DEVELOPMENT DISTRICT”

Catherine Powers asked that the members note the most recent update of the proposed Article that was placed at their seats prior to the start of the meeting.

Jim Liberman asked if it is urgent that this be reviewed this evening.

Catherine Powers replied "yes".

Chairman Sanger asked what makes this Article "special".

Catherine Powers explained that the new Article creates a mechanism for consideration of large, multi-phased projects that do not fit into the current Planned Unit Development (PUD) process. She stated that this concept was used in the 1980s and 90s for approval of the Enterprise Rent-A-Car campus and the development area bounded by Forsyth Boulevard, Brentwood Boulevard and Maryland Avenue. During the 2001 comprehensive amendment to the Zoning Ordinance eliminated the SDD and substituted the PUD, which has been very successful for mid-size, single phased projects including Trianon and RJ York; however, when discussions began with Brown Shoe regarding their plans for a proposed 12 acre, three phased development, it became obvious that the PUD would not be adequate and a mechanism was needed for consideration of larger, phased projects. Catherine stated that the Special Development District (SDD) Ordinance would govern all components of the overall project including height, density and square footage as well as phasing for the entire project and will assure that a general plan for the entire project can be considered before the first phase, but that details of the first and each subsequent phase would be reviewed as each phase is submitted to the City.

Chairman Sanger asked what the process would be without a Special Development District.

Catherine Powers stated that a large, multi-phased project would not fit well in the PUD regulations, so either the project would have to have each phase approved separately under its own PUD Ordinance or that the project not be phased at all.

Chairman Sanger asked if there is a time limit on the various phases.

Catherine Powers stated that the time frame would be tied with the base plan.

Jim Liberman asked how the City would hold the developers to each phase of the project.

Catherine Powers indicated that as with any proposal that comes before the Plan Commission/ARB, any development may or may not happen.

Jim Liberman asked the implications if a project is divided into individual PUD projects.

Jason Jaggi stated that by implementing this SDD, the base plan will provide an overall concept plan that sets the bar for the entire project.

Catherine Powers stated that with this, there is anticipation for all aspects of the project.

Chairman Sanger stated that he believes this will work well.

Jim Liberman commented that there is nothing to prevent the developer from dropping out after the first phase.

Marc Lopata asked that Section 11.4 (h) regarding LEED, be re-worded as follows:

“Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council at Certified level or higher to include regional priorities that may be in effect for the development location. Alternate,

equivalent certification by a nationally recognized third party verified program may be accepted in lieu of LEED, at the discretion of the Plan Commission.”

Jason Jaggi indicated that the language as currently written was taken from the language contained in the Planned Unit Development Article of the Zoning Ordinance.

Catherine Powers reminded the members that this list outlines public benefits.

Marc Lopata commented that the language says “include”.

Catherine Powers stated that each and every item is not required.

Chairman Sanger stated that the way it is written indicates that “all” items are required.

Catherine Powers stated that the leading paragraph can be revised so it is clear that not all items are required.

Chairman Sanger indicated that he believes Marc wants LEED Certification to be a requirement.

Marc Lopata confirmed.

Catherine Powers indicated that the City Attorney has an issue with that.

Jim Liberman asked if the items in the list of benefits outlined for the Central Business District (CBD) are mandatory or “pick and choose” also.

Catherine Powers stated that this list, also, is pick and choose, so the paragraph leading to that list will be changed as well.

Steve Lichtenfeld made a motion to open the public hearing. The motion was seconded by Jim Liberman and unanimously approved by the members.

Mr. Gary Feder, attorney representing Brown Shoe, indicated that minor clerical matters throughout the Article have been addressed. He stated that he is satisfied with the language about public benefits provided that “pick and choose” is applied, as all items on the lists could not be complied with. He stated there is no issue with holding permits until all sub-districts are approved and that Clayco is committed to LEED Certification. He encouraged the adoption of this new Article.

Marc Lopata stated that items (b), (c), (d), (e), & (f) of the list of public benefits as contained in Section 11.4 are already requirements and that the only true public benefit is (h) LEED Certification. He informed the members that the City of St. Louis has adopted LEED Silver. He stated that the developer would have to put in infrastructure or the development would not be approved.

Chairman Sanger asked about different LEED Certification.

Catherine Powers indicated that Clayton staff is limited to “certification”. She reminded the members that LEED Certification is optional.

Chairman Sanger commented that the City cannot enforce something that is not in the Building Code.

Jason Jaggi stated that one of the first questions that will be asked is if the project will be LEED Certified, as that is expected.

Catherine Powers reiterated that LEED Certification is not mandatory, but a negotiating tool the City has for waiving density and/or height.

Being no further questions or comments from the public, Steve Lichtenfeld made a motion to close the public hearing. The motion was seconded by Jim Liberman and unanimously approved by the members.

Chairman Sanger asked that language be added to clarify that the list of public benefits are optional. He stated that he would be uncomfortable with requiring LEED Certification at the Silver level, but that he is open to a third party certification.

Marc Lopata stated that he is comfortable with the inclusion of regional priorities.

Steve Lichtenfeld made a motion to recommend approval of the new Article 11 “Special Development District” to the Board of Aldermen with the conditions that language be added to clarify that the list of public benefits are negotiated (not all required), the inclusion of minimum “Certification” level, regional priorities and third party verification. The motion was seconded by Jim Liberman and unanimously approved by the members.

Chairman Sanger asked what the outcome will be if the chimney (7727 Davis) is not bricked or eliminated.

Catherine Powers indicated that she believes that the owner will be given 30 days to comply or he will be issued a court summons.

Marc Lopata asked that staff discuss the Transit Oriented Development (TOD) language with the City Attorney so it may be placed back on an agenda for discussion and vote.

Catherine Powers indicated that she hopes to have it back on the agenda in July.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 8:15 p.m.

Recording Secretary